

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BENJAMIN DENT,

Case No. 2:20-cv-00136-GMN-EJY

Plaintiff,

v.

ORDER

MICHAEL VIEVER, *et al.*,

Defendants.

This action began with a pro se civil rights Complaint filed pursuant to 42 U.S.C. § 1983 by Plaintiff, an inmate in the custody of the Nevada Department of Corrections. (ECF Nos. 1-1, 29). Plaintiff submitted an application to proceed *in forma pauperis*. (ECF No. 12). Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

On October 15, 2020, the Court imposed a stay and entered subsequent orders in which the parties were assigned to mediation by a court-appointed mediator and the stay was extended. (ECF Nos. 28, 32, 33). The Office of the Attorney General filed a status report stating a settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 36).

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 12) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This Order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.

3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

1 month's deposits to Plaintiff's account (Benjamin Dent, # 86741), in the months that the account
2 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the
3 Court shall **SEND** a copy of this Order to the Finance Division of the Clerk's Office. The Clerk
4 of the Court shall also **SEND** a copy of this Order to the attention of the Chief of Inmate Services
5 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

6 4. The Clerk of the Court shall electronically **SERVE** a copy of this Order, the
7 Screening Order (ECF No. 28), and a copy of Plaintiff's Complaint (ECF No. 29) on the Office of
8 the Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada
9 to the docket sheet. This does not indicate acceptance of service.

10 5. Subject to the findings of the Screening Order (ECF No. 28), within twenty-one
11 (21) days of the date of entry of this Order, the Attorney General's Office shall file a notice
12 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service;
13 (b) the names of the defendants for whom it does not accept service, and (c) the names of the
14 defendants for whom it is filing the last-known-address information under seal. As to any of the
15 named defendants for whom the Attorney General's Office cannot accept service, the Attorney
16 General's Office shall file, under seal, but shall not serve the inmate Plaintiff the last known
17 address(es) of those defendant(s) for whom it has such information. If the last known address of
18 the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain and
19 provide the last known physical address(es).

20 6. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
21 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
22 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney
23 General's Office has not provided last-known-address information, Plaintiff shall provide the full
24 name and address for the defendant(s).

25 7. If the Attorney General's Office accepts service of process for any named
26 defendant(s), such defendant(s) shall file and serve an answer or other response to the Complaint
27 within sixty (60) days from the date of this Order.
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